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ABSTRACT

This theme issue looks at three issues of religious tolerance. The first article examines a case recently decided by the United States Supreme Court on student-led prayers at school events. The second article explores the persecution suffered by members of the Mormon religion during the 19th century. The final article looks at Martin Luther and the Protestant Reformation in Europe. Each article includes questions for class discussion and writing, a further reading list, and classroom activities. (BT)

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The
BILL OF RIGHTS IN ACTION

CONSTITUTIONAL RIGHTS FOUNDATION WINTER 2000 VOLUME 17 NUMBER 1

Should Students Have the Right to Lead Prayers at Public School Events?

The U.S. Supreme Court has ruled that adults who lead religious exercises in the classroom or at school events violate the establishment clause of the First Amendment. But what if a student leads a prayer at a graduation or even a football game?

Outside the stadium in Santa Fe, Texas, people carry signs showing their support for student-led prayer before high school football games. (AP/Wide World Photo)

U.S. GOVERNMENT

Religion and high school football are strong traditions in Santa Fe, Texas. Both traditions combined in the fall of 1999 when Santa Fe High School senior Marian Lynn Ward used the press box microphone at the school's football stadium to say a brief pregame prayer. After asking God to watch over those present and to inspire good sportsmanship, Marian ended by saying, "In Jesus' name I pray. Amen." The 4,000 students and adults in the stands enthusiastically cheered the 17-year-old Santa Fe student.

The previous spring, the student body at Santa Fe High had elected Marian to deliver an "invocation and/or message" of her choice at each of the football home games. This was in line with a school board policy. That policy was challenged in a case that eventually reached the U.S. Supreme Court. The court had never before decided a case of a student-led prayer at a school event.

(Continued on next page)

Religious Tolerance

This *Bill of Rights in Action* looks at issues of religious tolerance. The first article examines a case recently decided by the U.S. Supreme Court on student-led prayers at school events. The second article explores the persecution suffered by members of the Mormon religion during the 19th century. The final article looks at Martin Luther and the rise of Protestantism in Europe.

U.S. Government: Should Students Have The Right to Lead Prayers at Public School Events?

U.S. History: The Persecution of the Mormons

World History: Luther Sparks the Protestant Reformation

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Marian Ward, the student who led Santa Fe High School's pregame prayer, discusses the Supreme Court case on student-led prayer with her lawyer Kelly Coghlan, left. (AP/Wide World Photo)

The Church, The State, and the Public Schools

The First Amendment of the Bill of Rights says two things about religion. It prohibits Congress from passing any laws that would establish an officially approved religion; and it guarantees that individuals may exercise their own religious beliefs. (The two clauses are known as the establishment clause and free-exercise clause.) Due to the 14th Amendment, state and local governments, including agencies like the public schools, are also bound by these First Amendment clauses.

The creators of the First Amendment knew from first-hand experience that establishing an official religion was dangerous, because government could use its power to force people to worship in a certain way. During colonial times, religious groups like the Baptists and Quakers were often persecuted in communities where they were in the minority.

Religion, especially as practiced by the Christian majority, has always had an important influence in American society. Official state-supported Christian churches were eventually "disestablished" after the adoption of the Bill of Rights. But Christian religious practices remained a part of public life in many states. For example, mandatory daily prayers, Bible readings, and similar devotional exercises were common in public schools.

But starting in the 1960s, the U.S. Supreme Court began to abolish adult-led prayers in the public schools. The Supreme Court ruled that such practices established a government-approved religion, in most cases Christianity, which violated the establishment clause of the First Amendment. To avoid this situation, public schools had to appear strictly neutral and neither endorse nor oppose religion.

Some argued that prayers should continue in schools, and those students who did not want to participate in them could remain silent or be excused. But the Supreme Court pointed out that this would brand the non-participating students as outsiders and subject them to ridicule and harassment by their peers.

Over the next few decades, the Supreme Court generally continued to restrict the role of religion in the public schools. An exception was a decision in 1990 involving a high school that refused to permit a Christian club to form. The high court ruled that students could voluntarily meet outside of instructional time to exercise their right of religious speech. [*Westside Community Schools v. Mergens*, 496 U.S. 226 (1990)]

Two years later, though, the Supreme Court held that a public school inviting a clergyman to give an invocation and benediction at a graduation ceremony violated the establishment clause. The court found that because school graduations are such important events in the lives of young people, students are really compelled to attend them. In such a setting, the court concluded, students should not be forced to participate in a religious exercise that might violate their beliefs. [*Lee v. Weisman*, 505 U.S. 577 (1992)]

Student-Led Prayer

Santa Fe is a heavily Baptist community of about 8,000 people on the Gulf Coast of Texas. In April 1995, a Catholic and a Mormon family both sued the Santa Fe public school district for failing to stop per-

sistent religious practices in the schools. The federal district court allowed the two plaintiff families to file their lawsuit under the assumed name "Jane Doe" because of allegations of intimidation by school authorities.

The plaintiffs objected to teachers promoting their religious views in the classroom, school administrators permitting Bibles to be distributed on the campuses, and a long history of Christian prayers at graduations and athletic events. The federal district court found incidents in which students and even some teachers harassed those who did not accept the Bibles and did not participate in prayers at school events.

The creators of the First Amendment knew from first-hand experience that establishing an official religion was dangerous.

By fall 1995, the school board had developed a policy covering pregame ceremonies at home varsity football games:

> The board has chosen to permit students to deliver a brief "invocation and/or message to be delivered during the pregame ceremonies of home varsity football games to solemnize the event, to promote good sportsmanship and student safety, and to establish the appropriate environment for the competition."

The policy went on to describe a procedure for two special student elections each spring. One would decide in a secret ballot whether the majority of Santa Fe High students wanted a pregame "invocation and/or message." The second vote, also by secret ballot, would choose a student volunteer to deliver it. The student who was chosen, like Marian Lynn Ward in 1999, could then decide what to say, as long as this was "consistent with the goals and purposes of the policy."

The federal district court ordered that only non-sectarian prayers were permitted. On appeal, the U.S. circuit court decided that the policy was unconstitutional. The school board appealed to the U.S. Supreme Court.

When this case reached the Supreme Court in March 2000, the justices agreed to decide the following issue: "Whether [the school board] policy permitting student-led, student initiated prayer at football games violated the Establishment Clause." The attorneys for the Santa Fe Independent School District made these main points in their written brief to the Supreme Court:

1. The school board policy does not violate the establishment clause because the decisions whether to have a pregame "invocation and/or message," who will deliver it, and what the student will say is entirely in the hands of students exercising their First Amendment rights.
2. The school board policy is neutral and does not endorse any religion.
3. The student-led "invocation and/or message" could be a prayer, if the student chooses, or, it could be a non-religious statement that conforms to the stated purposes of the school board policy.
4. The school board policy has non-religious purposes such as promoting student free speech and good sportsmanship.
5. The "invocation and/or message" is delivered by a student at a sports event outside of school hours before a mix of students and adults who are attending voluntarily.

The attorneys for the anonymous Catholic and Mormon families made these main points in their written brief to the Supreme Court:

1. The school board policy does violate the establishment clause because using the word "invocation" plus the long tradition of pregame Christian prayers at Santa Fe High football games clearly show a school endorsement of the community's dominant religion.
2. The two-part election procedure in the school board policy leaves little doubt that the views of the religious majority (mainly Baptists) will be imposed on those who hold different beliefs.
3. The school is not neutral and uninvolved since the student-led prayer can only be delivered during the school's pregame ceremony, over the school stadium's public address system, before a crowd assembled on school property for a school-sponsored event.
4. Football team members, band members, and cheerleaders must attend the school's football games. If any of them chose not participate in the pregame student-led prayer, they could be harassed by others both at the game and later on at school.
5. The school board policy is a sham designed to make sure that the longstanding practice of Christian prayers remains an official Santa Fe High School tradition.

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For Discussion and Writing

1. What is the establishment clause? What is its purpose?
2. Do you think the establishment clause is important? Explain.
3. What do you think are the strongest arguments on each side in the student-led prayer case?

For Further Reading

Levy, Leonard W. *The Establishment Clause, Religion and the First Amendment*. New York: Macmillan Pub., 1986.

"Santa Fe Independent School District v. Jane Doe et al., Briefs for Petitioners and Respondents" (October 1999 Term). Findlaw. Online. Available **Supreme.findlaw.com/Supreme_Court/briefs/index.html**.

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ACTIVITY

School Prayers

In this activity, students will role play members of the U.S. Supreme Court and decide the student-led prayer case. The court will decide this issue: **Does the school board policy permitting student-led, student-initiated prayer at football games violate the establishment clause?**

1. Form groups of three. Assign one person in each group the role of attorney for the school district, attorney for the Catholic and Mormon families, or justice of the Supreme Court.
2. Regroup so that all school district attorneys are together, attorneys for the families are together, and justices of the Supreme Court are together. The attorneys should develop arguments for their side and the justices should create questions to ask both sides.
3. Next return to the original groups of three. The justice in each group should allow each side to speak and can ask questions of each side.
4. Finally, each justice should stand, vote, and explain his or her reasons to the whole class.

Santa Fe Independent School District v. Jane Doe et al.

On June 19, 2000, the U.S. Supreme Court, by a 6–3 majority, decided that the Santa Fe school district's policy violated the establishment clause. Writing for the majority, Justice John Paul Stevens held that the use of the words "invocation" and "to solemnize the event" in the school board policy left no doubt that a student would lead a school-authorized public prayer. Justice Stevens went on to condemn the board-approved student voting procedure, which guaranteed that students belonging to minority religious faiths "will be effectively silenced" and put "at the mercy of the majority." Such an election, Justice Stevens concluded, "encourages divisiveness along religious lines in a public school setting." [*Santa Fe Independent School District v. Jane Doe et al.*, 99-62 (2000)]

The Persecution of the Mormons

During the 19th century, the newly formed Mormon religion encountered significant persecution.

In 1820, Joseph Smith experienced what he later described as a vision of God and Jesus who told Smith that he would become the means for restoring the true Christian church. A while later, Smith told of being visited by an angel who led him to a spot near his home in western New York, where he unearthed a set of golden plates with strange writing on them.

Portrait of Joseph Smith, the founder of the Mormon Church. (The Church of Jesus Christ of Latter-Day Saints)

With divine guidance, Smith said that he was able to translate the golden plates into English. In 1830, he published what he believed to be the new revealed word of God, *The Book of Mormon*, named after an ancient prophet.

Following additional visions and revelations, Joseph Smith came to believe that he was a prophet, empowered by God to restore "the only true and living church." Smith and a few others organized the Church of Christ in 1830. Several years later, Smith changed the name to the Church of Jesus Christ of Latter-Day Saints. Most people began calling the new religion the Mormon Church or simply, the Mormons.

USHISTORY

During the 1800s, the Mormons attracted many converts. But Mormon beliefs, although Christian, differed and even contradicted many of the Protestant beliefs of most Americans. Wherever Mormons gathered together to establish their "Kingdom of God," non-Mormons became suspicious, fearful, hostile, and sometimes even violent. This resulted in persecution against the Mormons. It also got them involved in an enormous struggle with the federal government over the relationship of church and state and the Mormon religious practice of polygamy.

The Persecution Begins

Brigham Young, a carpenter and cabinetmaker, read *The Book of Mormon* shortly after Joseph Smith published it, and he became an enthusiastic member of the new Mormon Church. In 1833, Young moved his family to Kirtland, Ohio, where Smith had decided to gather several hundred of the Mormon faithful to establish the "Kingdom of God."

Impressed with Young's deep belief, Smith and other church leaders selected him to become one of the Twelve Apostles of the Mormon Church. Following Christian beliefs about the original 12 apostles of Christ, Young and the others became missionaries.

Returning from a mission in 1836, Young was dismayed when he learned that the Mormon community had split over the attempt by Joseph Smith to direct the community's political and financial affairs. In the winter of 1837–38, the majority of church members, including Brigham Young, followed Joseph Smith to Missouri, where he had previously organized a secondary Mormon colony. Four years earlier, Missouri mobs, fearful of the colonists' growing political and economic power, had attacked Mormon businesses. After Smith and the others from Ohio joined the Missouri colonists, fears of Mormon bloc voting and a "take over" again produced mob violence.

Escalating violence between Mormon and non-Mormon settlers finally prompted the governor of Missouri to issue this order: "The Mormons must be treated as enemies and must be exterminated or driven from the state, if necessary for the public good." Joseph Smith and some other Mormon leaders were imprisoned as hostages until the colonists left the state. Brigham Young avoided arrest and organized an exodus across the Mississippi River to Illinois during the winter and spring of 1838–39.

Released from jail by Missouri officials, Joseph Smith again took charge of the Mormon community, now numbering several thousand. The Mormons established a new "Kingdom of God," which they named Nauvoo, meaning "beautiful place." The Illinois state government, seeking to expand its tax base, at first

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welcomed the Latter-Day Saints. The state legislature granted Nauvoo a liberal charter, permitting the city its own court system and militia, called the Nauvoo Legion.

By the mid-1840s, Nauvoo rivaled Chicago as the largest city in Illinois. Thousands of immigrants from Britain, the result of Brigham Young's missionary work there, flocked to Nauvoo.

While in jail, Mormon-leader Joseph Smith was murdered by a lynch mob. (Bettmann/CORBIS)

At this time, Joseph Smith had a further revelation that it was God's will to restore the Old Testament practice of multiple marriages (a husband marrying more than one wife). Smith at first limited multiple marriages, also commonly called polygamy, to church leaders. Later it was allowed among other spiritually and economically qualified church members.

In 1844, Smith created the Council of Fifty that became "the Municipal department of the Kingdom of God set up on the Earth, and from which all Law emanates." The members of the Council of Fifty and the leaders of the Mormon Church were identical. Thus, the Nauvoo government took the form of a theocracy, a unified church and state.

The rapid development of Nauvoo's economic and political power, along with rumors about strange Mormon religious rituals, greatly unsettled other Illinois residents. They particularly resented the Mormon practice of voting in elections as a bloc at the direction of Joseph Smith. Then in 1844, Smith decided to run for president of the United States. This combining of religion and politics further inflamed public opinion in Illinois. Nor did all Mormons in Nauvoo approve of Joseph Smith's political activities.

A dissenting newspaper in Nauvoo accused Smith of crowning himself king. In response, he and members of the Council of Fifty destroyed the paper's printing press. State authorities jailed Smith and several others for inciting a riot. The governor sent a state militia to guard Smith against mob violence. But the militia itself became a lynch mob and shot Smith to death in his jail cell on June 27, 1844.

After debating who should replace Joseph Smith as prophet and president of the Mormon Church, an emergency assembly of the Latter-Day Saints selected Brigham Young. But soon vigilantes began to burn the homes and farms of the Mormon settlers in a determined effort to drive them out of Illinois.

Brigham Young and the other church leaders realized that they could not remain in Nauvoo under such dangerous conditions. They then led an epic migration of 16,000 Mormons to the Great Salt Lake Valley in the western wilderness.

The Question of Utah

At Salt Lake City in 1848, Brigham Young and the other leaders of the Mormon Church organized "The State of Deseret." The Mormon people elected Young as their governor and other church leaders to additional government posts. The Council of Fifty remained as the law-making body.

In 1850, Deseret along with California applied for admission to the Union as new states. Suspicious of the Mormons, Congress denied statehood to Deseret but made it a U.S. territory with a new name: Utah. President Millard Fillmore appointed Brigham Young the territorial governor.

When Washington sent federal judges and other officials to Utah, the Mormons often refused to cooperate with them. In addition, church leaders selected all the candidates for the new territorial legislature.

Back in Washington, many members of Congress thought that the Mormons did not respect federal authority or U.S. law. Adding to this perception, Brigham Young remarked that he would not surrender his office as governor if the president chose not to reappoint him. Also at this time, Protestant ministers everywhere were condemning Mormon polygamy as immoral.

In 1854, Young's term as territorial governor ended, and he was not reappointed. After several years delay, newly elected President James Buchanan appointed a new governor of the Utah territory in 1857. But relations between the federal government and the Mormons had become so poisoned that Buchanan was persuaded a state of rebellion existed in Utah. He therefore sent a federal military force of 2,500 soldiers to forcibly install the new governor.

Still acting as governor, with the Missouri and Illinois persecutions in his mind, Brigham Young declared martial law in Utah. He issued a proclamation preparing the Mormon people "to repel any and all such threatened invasion." He also mobilized the Nauvoo Legion to harass the invading federal army by destroying supply wagons and capturing horses.

When the army entered the Utah territory, Young ordered the complete evacuation of Salt Lake City. He even considered setting it on fire. Things remained at a stalemate until June 1858, when the Mormon leaders agreed to submit to federal authority if the army would camp outside Salt Lake City and not harm the people. The federal government agreed, and President Buchanan also pardoned all Mormon "seditions and treasons."

The Attack on Mormon Polygamy

Led by Republicans who labeled slavery and polygamy the "twin relics of barbarism," Congress outlawed multiple marriages in 1862. Brigham Young and other Mormon leaders were charged under this law. But convictions were difficult to get because few marriage records existed and a wife could not testify against her husband under Utah territorial law. Moreover, most juries consisted of Mormons who, if not polygamists themselves, sympathized with the accused.

In 1879, two years after Brigham Young died, the U.S. Supreme Court was called on to decide whether the First Amendment's guarantee of freedom of religion protected the practice of polygamy. The justices drew a line between religious belief and action. The court cited a letter written by Thomas Jefferson to James Madison shortly after the adoption of the Bill of Rights. Both men were highly instrumental in getting the Bill of Rights adopted. Jefferson wrote about the First Amendment:

> Believing with you that religion is a matter which lies solely between man and his God; that he owes account to none other for his faith or his worship; that the legislative powers of the government reach actions only, and not opinions, — I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion or prohibiting the free exercise thereof," thus building a wall of separation between church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore man to all his natural rights, convinced he has no natural right in opposition to his social duties.

The court continued: "Coming as this does from an acknowledged leader of the advocates of the measure, it may be accepted almost as an authoritative declaration of the scope and effect of the amendment thus secured. Congress was deprived of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order." The court found that "polygamy has always been odious [disgusting] among the northern and western nations of Europe" and had long been a common law crime. The court's unanimous opinion concluded that the First Amendment did not protect the practice. [*Reynolds v. United States*, 98 U.S. 145 (1879)]

In 1882 and 1887, Congress passed laws to force the Mormon Church to abandon its support of multiple marriages (which never involved more than 20 percent of adult males). These laws did other things as well. They barred polygamists from jury service, voting, or holding office. They allowed evidence of a defendant's reputation to secure a conviction for polygamy. They permitted a wife to testify against her husband. They revoked the right of women to vote (which had been established in 1870 by the Utah territorial legislature). Finally, they took away the territorial charter of the Mormon Church, which allowed the federal government to confiscate its property and turn it over to the public schools.

Altogether, more than 1,000 Mormon men were convicted, fined, and imprisoned for being married to more than one wife.

Mormon leaders understood that if they continued to resist the anti-polygamy laws, Utah would never

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become a state. Therefore, in 1890, the president of the Mormon Church issued a "Manifesto" calling for the Latter-Day Saints "to refrain from contracting any marriage forbidden by the law of the land." This, and assurances separating the church from the state, finally removed congressional objections to statehood, and led to the admission of Utah into the Union as the 45th state in 1896.

For Discussion and Writing

1. What were some of the problems Mormons encountered in the 19th century. Why do you think they encountered these problems?
2. What is a theocracy? In what ways did the Mormons establish theocracies in Nauvoo and the Territory of Utah? Do you think theocracies are a good or bad idea for the United States? Why?
3. Do you think Congress was right to outlaw polygamy in the Utah territory, or, do you think this was a violation of freedom of religion under the First Amendment? Explain.

For Further Reading

Arrington, Leonard J. *Brigham Young: American Moses*. New York: Alfred A. Knopf, 1985.

Firmage, Edwin Brown and Mangrum, Richard Collin. *Zion in the Courts*. Urbana, Ill.: University of Illinois Press, 1988.

ACTIVITY

Free Exercise of Religion

The First Amendment to the U.S. Constitution guarantees the free exercise of religion. As you have read, the U.S. Supreme Court in *Reynolds v. United States* decided that people who practice polygamy as part of their religion are not protected by the First Amendment. The Supreme Court has made several other decisions on whether a religious practice is protected by the First Amendment. In this activity, students look up some of these Supreme Court decisions and report back to the class.

1. Divide the class into small groups. Assign each group one of the cases below.
2. Each group should:
   a. Find, read, and discuss the case. The Internet has each of the cases (**www.FindLaw.com**) or research them at your public library.
   b. Write a summary of the case. It should include the facts of the case, the issue, the decision of the court, the court's reasoning, and what the dissenting justices said. (The issue of each case is the same: Is this practice protected by the free exercise clause of the First Amendment?)
   c. Prepare to report on the case to the class. Include in your presentation how each of you think the case should have been decided and why.
3. Have the groups report and discuss each decision.

Cases

Employment Division v. Smith 485 U.S. 660 (1988). Drug and alcohol counselors, who were also members of the Native American Church, were discharged because they took the hallucinogenic drug peyote as part of a religious ceremony. They were denied unemployment compensation by the Oregon Employment Division because they had been discharged for "work-connected misconduct."

Goldman v. Weinberger, 475 U.S. 503 (1986) The Air Force ordered Captain Goldman, an orthodox Jewish rabbi, not to wear his yarmulke, a religious skullcap, while in uniform.

United States v. Lee, 455 U.S. 252 (1982). A member of the Amish religion refused to pay Social Security taxes because doing so violated his faith.

Thomas v. Review Board of Indiana Employment Security Division, 450 U.S. 707 (1981). A Jehovah's Witness was denied unemployment benefits because he quit a job requiring him to manufacture weapons of war, which was against his faith.

Wisconsin v. Yoder, 406 U.S. 205 (1972). Members of the Amish religion were convicted of violating Wisconsin's compulsory school-attendance law because they refused to send their children to high school, which was against their religion.

Sherbert v. Verner 374 U.S. 398 (1963). A Seventh-Day Adventist was denied unemployment benefits because she refused to work any job on a Saturday, the Sabbath day of her faith.

West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943). Jehovah's Witnesses, objected to a West Virginia law requiring all students to take part in the flag salute, which was against their religion.

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Luther Sparks the Protestant Reformation

By challenging the authority of the Roman Catholic pope in 1517, Martin Luther brought about the end of Christian unity in Western Europe. The resulting Protestant Reformation changed the course of Western civilization.

For about 1,000 years, Christians in Western Europe all belonged to the Catholic Church centered in Rome. They observed the sacraments, confessed their sins to priests, prayed to the saints, made donations to the church, and did other religious acts (called "works") to assure their place in heaven. The pope, as head of the Catholic Church, was the spiritual leader. His views on religious doctrine were regarded as final.

Martin Luther, a German priest, started the Protestant Reformation by openly criticizing practices of the Catholic Church. (Perry-Castañeda Library, University of Texas at Austin)

At the beginning of the 16th century, the power of kings was increasing in most Western European countries. But the middle of Europe was fragmented into many German principalities, duchies, and cities, known collectively as the Holy Roman Empire. The Holy Roman emperor attempted to impose his authority over them, but the Germans remained largely independent.

WORLD HISTORY

The Roman Catholic Church was a major political and even a military power in Western Europe. Popes used this power to defend and expand the church's influence and wealth. Catholic kings could usually protect their people from ambitious popes. But many Germans, living under weak local rulers and an ineffective emperor, believed that the church took advantage of them.

Germans bitterly complained that unending church fees, dues, taxes, tithes, and payments to support numerous clergymen impoverished the common people while enriching Rome. Those who could not pay their debts to the church were threatened with excommunication. This meant the church would refuse them the sacraments and other "works" necessary for saving their souls. The prospect of excommunication terrified believers.

The German people also resented the church's practice of appointing foreigners as their priests, bishops, and other church officials. These clergymen had the right to collect fees from the people while being exempt from the government taxes everyone else had to pay. Many Germans felt that the clergy seemed more interested in the privileges and the wealth of their office than attending to the spiritual needs of the people.

Despite their many grievances against the Roman Catholic Church, few people dared to speak out for fear of being excommunicated or even burned at the stake as a heretic. Yet, in 1517, an obscure German priest and university professor named Martin Luther stood up alone against the church and pope. Europe and the world would never be the same again.

Luther Challenges the Pope's Authority

Martin Luther was born in 1483 in what is now northern Germany. After surviving a lightning strike, he decided to devote his life to God. He joined a monastery, studied to become a Catholic priest, and went on to earn a doctor of theology degree, vowing to remain true to the teachings of the church. In 1513, Luther was appointed a professor of the Bible at the University of Wittenberg, not far from his birthplace. He also preached sermons at the Wittenberg town church.

After hearing a Catholic's confession of sins, a priest will often direct the person to complete some devotional act called penance. The penance depends on the seriousness of the sin and might range from saying special

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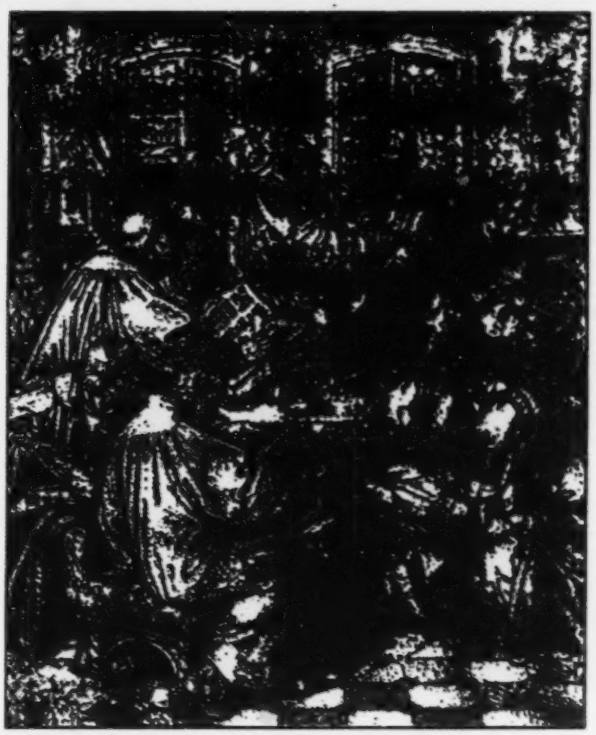
prayers to making a pilgrimage to a distant holy shrine. Another form of penance in the 16th century was the indulgence, a certificate from a bishop or the pope who forgave a person's sins. The person secured an indulgence by making a donation to the church. Popes and other church officials encouraged the sale of indulgences to raise money for many purposes. Over time, people came to believe that they could literally buy their way into heaven with indulgences. It was even possible to purchase them for the dead.



Martin Luther and some colleagues read through Luther's translation of the Bible into German. (Bettmann/CORBIS)

In spring 1517, a representative of Pope Leo X began selling indulgences in the Wittenberg area after the local archbishop had agreed to split the revenue with the pope. Pope Leo was anxious to raise money to finish construction of St. Peter's Basilica in Rome.

"Works" like indulgences had long troubled Martin Luther. His close reading of the scriptures (the Bible, especially the New Testament) led him to conclude that a person could only be saved by personal faith in Jesus Christ and the grace of God. Luther considered indulgences, praying to saints, pilgrimages, and many other such "works" as worthless and a fraud inflicted on the people by the church.

On October 31, 1517, Luther wrote a letter to the archbishop protesting the sale of indulgences. This letter also included Luther's famous "Ninety-Five Theses" that spelled out his criticisms of other church practices. Luther argued that nothing in the Bible granted the pope authority to free a person of his sins in life or after death. Only God could do this, he wrote. A legend grew that Luther personally nailed the "Ninety-Five Theses" to the door of the Wittenberg church. But this dramatic scene probably never happened.

After receiving Luther's shocking letter, the archbishop promptly sent it to Pope Leo. Before the pope could react, however, Luther's "Ninety-Five Theses" became a sensation among the German people. They were stunned that Luther challenged the idea that the pope had the authority to forgive people's sins.

Pope Leo summoned Luther to Rome to answer for his heresy. But an important German noble, Frederick the Wise of Saxony, intervened and called for Luther to appear before German judges. Pope Leo and Frederick then worked out a compromise. In October 1518, a representative of the pope examined Luther, but on German soil. He screamed at Luther to renounce his heresy. Luther refused to back down, saying he could not renounce his conscience, which was based on the scriptures, the word of God.

"I Will Not Recant Anything"

About 70 years before in 1450, a German goldsmith named Johann Gutenberg had introduced movable-type printing to Europe. By the early 1500s, printers were mass-producing written works, even the church's indulgences. Starting in 1520, Luther took full advantage of this new technology and published a steady stream of his writings, mainly in the form of pamphlets criticizing the church. He became the most published author of the 16th century.

Luther and other pamphleteers, increasingly called "Protestants," argued that priests should marry and have children, the number of sacraments should be reduced, and the Catholic mass should be held in German instead of Latin. They especially criticized priests and other Church officers for avoiding hard work, not having to pay taxes, and living like parasites off the common people. The Protestant pamphlet writ-

ers proposed that the people should choose their own priests and even decide matters of belief based on the Bible.

In January 1521, Pope Leo X threatened to excommunicate Luther. But by then he was a hero to many Germans. Hans Holbein the Younger, a German artist, published a woodcut drawing that portrayed Luther as the "German Hercules," holding in his mouth a cord attached to a strangled pope.

Luther was anxious to debate and prove the rightness of his cause before the Holy Roman emperor. In April 1521, Luther was summoned to an Imperial Diet, an occasional assembly of German nobles headed by the emperor. But the 20-year-old emperor, Charles V, was a strong Catholic and only wanted Luther to renounce his heresy.

When Luther appeared for questioning by the Diet, all his books and pamphlets were piled before him. After admitting they were all his writings, his questioner asked, "Will you now recant? Yes or no?" After some delay, he ignored a simple yes or no, and presented a well-reasoned defense based on the scriptures. He concluded by saying that since "my conscience is capture to the word of God, I cannot and I will not recant anything, for to go against conscience is neither right nor safe. God help me, Amen."

Charles declared Luther a heretic and an outlaw of the empire. But again Frederick the Wise stepped in and rescued Luther, this time by hiding him for nearly a year. Luther used this time to write more pamphlets against the church, publish his sermons, and compose Protestant hymns. He also translated the New Testament into German so all literate persons could read the word of God for themselves.

Building a New Church

Returning to Wittenberg in 1522, Luther married and eventually became the father of six children. As a father, he understood the importance of educating all children, including girls, so that they could read the Bible. He urged city councils to establish schools to educate children for their role in society as well as church life.

Luther's radical religious ideas spread rapidly, gaining favor with the German people and their rulers in the northern part of the Holy Roman Empire. The southern part remained mostly Catholic. As Protestant princes adopted Lutheranism as the official religion of their lands, Luther was forced to sort out the relationship between church and state.

Luther developed a doctrine that he called the "Two Kingdoms." He welcomed the worldly kingdom of princes and city councils to aid the new Lutheran Church. But he also preached that political authorities have no business intruding into the spiritual kingdom of one's conscience. He even advocated resistance if this should occur. Luther, however, was no political revolutionary. He totally opposed the peasant's revolt against the feudal nobility that broke out in the empire in 1524.

Luther assumed that reading the scriptures could simply decide all matters of faith. But it did not take long for other Protestants to read the Bible differently than he did. Soon Lutheranism itself split apart into different Protestant churches.

Martin Luther became the most published author of the 16th century.

Disputes arose between Luther and other Protestants over many religious issues. Should infants be baptized? Luther said yes; a group called the Anabaptists said no. Luther became infuriated when other Protestant reformers like John Calvin and Huldrych Zwingli contradicted him. Luther also ranted against witches and demons. He attacked Jews for failing to convert to Christianity, and his writings helped spread anti-Semitism in Germany and Europe. Paradoxically, while he grew more and more intolerant of those who disagreed with him, his life was a testament to freedom of religious conscience.

At the end of his life, Luther grew convinced that reconciliation or compromise with the Catholic Church and the papacy (the office of the pope) was impossible. In 1545, he wrote a pamphlet titled, "Against the Papacy in Rome Founded by the Devil." He died the following year at age 63.

*****

The Protestant Reformation that Martin Luther sparked continued into the next century. The Holy Roman Empire remained divided between the Protestant north and the Catholic south. Religious minorities in both areas were persecuted. In addition, wars between Protestants and Catholics in Europe produced long-

lasting religious hatreds. On the other hand, the Protestant emphasis on literacy, education, and hard work laid the foundation for the rise of modern Europe.

New Protestant churches, all differing from one another on matters of Christian faith, arose throughout Western Europe and later in America. Thus the Christian unity that once flourished came to an end. The Catholic Church eliminated the sale of indulgences and other abuses that Luther had attacked. Catholics also formed their own Counter-Reformation that used both persuasion and violence to turn back the tide of Protestantism. In the end, neither Protestants nor Catholics fully succeeded in winning the hearts and minds of Christians.

For Discussion and Writing

1. What was the fundamental point of disagreement between Luther and the Roman Catholic Church?
2. Do you think Martin Luther advanced or held back freedom of religion? Give reasons for your answer.
3. How did the Protestant Reformation change the course of Western civilization? Do you think this change for better or for worse? Explain.

For Further Reading

Marius, Richard. *Martin Luther, The Christian Between God and Death*. Cambridge, Mass.: Belknap Press, 1999.

Ozment, Steven. *Protestants, The Birth of a Revolution*. New York: Doubleday, 1992.

ACTIVITY

Two Kingdoms

Martin Luther did not draw a sharp line between his "Two Kingdoms" of church and state. In the United States, the First Amendment says that government "shall make no law respecting an establishment of religion." Thomas Jefferson believed this amendment built "a wall of separation between Church and State . . ." The U.S. Supreme Court has agreed with Jefferson's interpretation. Even so, today we are still debating what the relationship of church and state should be. In this activity, students decide whether or not the government acts related to religion listed below violate the First Amendment.

1. Form small groups. Assign each group one of the Government Acts Related to Religion listed below.
2. In each group, do the following:
   a. Discuss the assigned government act and its pros and cons.
   b. Decide whether it violates the First Amendment.
   c. Be prepared to report your answers to the class.
3. After the groups report, hold a class discussion on each government act followed by a class vote on whether it violates the First Amendment.

Government Acts Related to Religion

1. Public funding for a museum of religion.
2. A city law requiring stores to close on Sunday.
3. Tax exemptions for churches.
4. Vouchers for students to attend any school, including religious schools.
5. Public funding for computers with Internet connections in religious schools located in poor neighborhoods.
6. A law requiring religious schools accepting any aid from the government to use the same standardized tests required in public schools.

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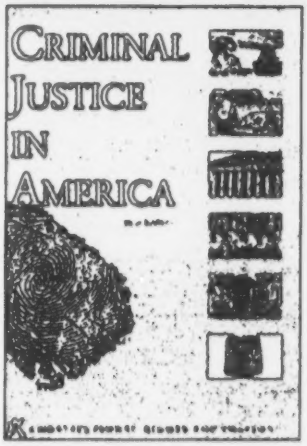

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